IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

WA.No. 1908 of 2006()

AGAINST THE JUDGEMENT/ORDER IN WPC.8066/2006 Dated 30/06/2006
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APPELLANT:

1. STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY, HIGHER SECONDARY EDUCATION (D) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, ERNAKULAM.

3. THE SUB TREASURY OFFICER, ERNAKULAM.

BY ADV. SRI. SANDESH RAJA, GOVERNMENT PLEADER

RESPONDENTS:

1. GEETHA.C.A., LECTURER SELECTION GRADE, DEPARTMENT OF COMMERCE, THE COCHIN COLLEGE, KOCHI.

2. THE PRINCIPAL, COCHIN COLLEGE, KOCHI.

3. THE MAHATMA GANDHI UNIVERSITY, REPRESENTED BY ITS REGISTRAR, PRIYADARSHINI HILLS P.O., KOTTAYAM.

BY ADV. SRI.K.M.KURIAN
SRI.P.VIJAYAKUMAR
SRI. V.A. MOHAMMED, SC. FOR M.G.UNIVERSITY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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C.M. Appl. No. 1091 of 2006

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W.A. NO. 1908 OF 2006

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Dated this the 4th day of January 2007

JUDGMENT

Abdul Gafoor,J

The delay of 52 days has been satisfactorily explained. Hence it is condoned.

2. The 1st respondent /writ petitioner, a teacher in an affiliated college, was appointed as a Selection Grade Lecturer and it was approved by the University with effect from 19.03.2000. But she had not been paid salary. This persuaded her to approach this Court. This Court having found no counter affidavit from the side of the appellant, directed payment of salary for the approved appointment and promotion as Selection Grade Lecturer in Commerce. This is impugned contending that the approval of promotion was improper as it was counting the broken period of earlier service as well. That is not a matter to be considered in this Writ Appeal as there is an order of approval

of promotion of the 1st respondent/Writ Petitioner to the post of Section Grade Lecturer in Commerce. It is submitted that an objection has been filed as revealed in Ext.A2 and A3 before the M.G University. If the approval is not regular it is up to the appellant or any of the officers under the appellant to represent that matter before the University and to get the approval order reviewed. Therefore, the Writ Appeal is disposed of with a direction that Mahatma Gandhi University, the 3rd respondent shall consider such objection with notice to either of the parties and shall pass appropriate orders within two months.

The Writ Appeal is closed accordingly.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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